

REMARKS

I. Formal Matters.

Claims 1-13 are currently pending in this application. As an initial matter, Applicant appreciates the Examiner's indication that the drawings filed with the application on August 6, 2001, are accepted. In addition, Applicant thanks the Examiner for acknowledging the claim to priority under 35 U.S.C. §119 and for confirming receipt of a certified copy of Applicant's Japanese priority document. Furthermore, the Examiner is thanked for considering the references submitted via Information Disclosure Statements on August 6, 2001, and May 20, 2003, as evidenced by his return of initialled Forms PTO-1449 and PTO/SB/08 A&B, respectively, to the office of the undersigned.

II. Claims.

The Examiner rejects claims 1 and 8 as allegedly being indefinite under 35 U.S.C. §112, 2nd paragraph, for failing to particularly point out and distinctly claim the subject matter that Applicant regards as the invention. Amended claims 1 and 8 are asserted as being in compliance with 35 U.S.C. §112, 2nd paragraph, and withdrawal of this rejection is requested.

The Examiner rejects claims 1-13 as allegedly being unpatentable over *Ando* (U.S. Patent No. 6,275,552) in view of *Wiatrowski, et al.* (U.S. Patent No. 5,806,002). Applicant respectfully traverses this rejection in view of the following remarks.

Claims 1 and 8. The Examiner acknowledges that *Ando* does not teach searching means by which the vehicle's on board equipment searches frequencies for one use for a larger fraction of a search cycle than for a second use. Therein, the Examiner relies on *Wiatrowski* to disclose this element. (OA page 3).

Wiatrowski teaches a method of scanning for a higher priority call, when a non-priority call is received. Because scanning continues while listening to a non-priority call, audio holes occur on the listening end (col. 1, lines 26-65). Therein, *Wiatrowski* teaches a scanning algorithm for improved listening to a low priority call while scanning for higher priority calls (col. 1, line 66 to col. 2, line 7). *Wiatrowski* teaches inhibiting a priority scan when a non-priority communication is received (col. 2, lines 28-29).

The Examiner cites to *Wiatrowski* at Fig. 3 in particular (OA page 3). Fig. 3 discloses a decision making algorithm for inhibiting a priority scan in flow chart form (col. 2, lines 17-18; col. 6, lines 3-5). Fig. 3 fails to disclose a scan cycle ratio wherein the fraction of a cycle for scanning for one type of communication is greater than the fraction of a cycle for scanning of a second type of communication. *Wiatrowski* teaches a means for determining whether scanning continues when a non-priority signal is being received.

In contrast, claims 1 and 8 require, "said searching means performs the search by cyclically switching radio frequencies from one to another while keeping a ratio that radio frequencies for a first type of communication is searched for larger than a ratio that radio

frequencies for a second type of communication is searched for.” Neither alone or in combination do *Ando* and *Wiatrowski* teach or suggest a ratio of cyclical scanning for one type of communication, greater than the ratio of cyclical scanning for a second type of communication. At least for this deficiency, the rejection of claims 1 and 8 as being unpatentable over *Ando* in view of *Wiatrowski* under 35 U.S.C. §103(a) should be withdrawn.

Claims 2-7 and 9-13 are asserted as being in condition for allowance at least by virtue of their dependency upon an allowable claim.

In view of the preceding amendments and remarks, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue that the Examiner feels may be best resolved through a personal or telephonic interview, he is kindly requested to contact the undersigned at the local telephone number listed below.

AMENDMENT UNDER 37 C.F.R. §1.111
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The USPTO is directed and authorized to charge all required fees (except the Issue/Publication Fees) to our Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.


Respectfully submitted,

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